



Appeal Decision

Site visit made on 1 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/Q3115/W/19/3224123

Colliers Farm, Grange Farm Road, Radnage HP14 4ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Griffiths against the decision of South Oxfordshire District Council.
 - The application Ref P18/S1746/FUL, dated 17 April 2018, was refused by notice dated 4 December 2018.
 - The development proposed is a replacement dwelling and garage.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr R Griffiths against South Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue of this appeal is whether the development of the proposed dwelling house in a rural location is acceptable.

Reasons

4. The proposal is for a two storey dwelling and detached garage. The proposed dwelling would have a projecting 2 storey bay with pitched roof on one of the long elevations. The proposal's second floor would be in the pitched roof space with dormer windows on both roof pitches. A double detached garage with a pitched and catslide roof would be located to the north-east of the proposed dwelling. According to the Council's calculations, which have not been challenged by the appellant, the proposal would be over twice the volume of the existing chalet style dwelling on the site, not including the proposed garage.
5. For this reason, the proposed development would not comply with Policy H12 of the South Oxfordshire Local Plan (LP), which seeks to permit development of replacement dwellings outside of identified built up settlements provided it is not materially greater in volume than the existing dwelling.

6. The existing chalet style dwelling on the site gained planning permission as a structure in an appeal decision issued in 2011¹, on condition of its removal after 3 years and that it was for agricultural occupancy. Subsequently, an appeal decision in 2015² determined that in the erection of the dwelling an operational development had been carried out, and planning permission was granted for the erection of a building. This permission was permanent, but the permitted building was again made the subject of an agricultural occupancy condition.
7. However, the inspector did not give permission in 2015 for, or indicate acceptability of, any building subsequent to that already on site, notwithstanding their reference to the mobile home at the core of dwelling being permitted, which assumed a limited lifespan of the building. In giving the planning permission the inspector did so on the basis that the evidenced need for agricultural occupancy had been established at that time and, accordingly, applied a condition to the permission in this regard.
8. Notwithstanding the requirement for the use of the existing dwelling for agricultural occupancy, the appellant has not submitted any evidence to support a case for agricultural occupancy for the proposed development, either as part of the planning application or in material submitted for this appeal.
9. In considering an application for planning permission for a new or replacement dwelling in a rural location, where it is intended for such occupation, the need for such a dwelling should be established in accordance with Paragraph 79 of the National Planning Policy Framework (the Framework). This states that development of isolated homes in the countryside should be avoided unless certain circumstances apply, including where there is an essential need for a rural worker, including those taking a majority control of a farm business, to live permanently at or near their place of work in the countryside.
10. As no material has been submitted that evidences the need for agricultural occupancy of the proposed dwelling, there is nothing before me to demonstrate in line with Paragraph 54 of the Framework that an otherwise unacceptable development would be made acceptable by such a condition and is therefore necessary in accordance with the requirements for conditions set out in Paragraph 55 of the Framework.
11. As there are no material considerations that indicate that I should do otherwise, I have made my decision in accordance with the Policy H12 of the LP as set out above. As the dwelling is substantially larger than the existing dwelling and the need for a larger dwelling for agricultural occupancy in line with paragraph 79 of the Framework has not been established, the proposed development would conflict with this policy.

Other Matters

12. It is common ground between the parties to the appeal that the proposal, although larger than the existing dwelling that it would replace, would not result in undue harm to the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB) and the local area within the appeal site is located.

¹ Appeal Ref: APP/Q3115/C/10/2134204

² Appeal Ref: App/Q3115/c/14/3000215, 216, 217, 222, 226, 227

13. Having regard Paragraph 172 of the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's. Given the location of the proposal in relation to other agricultural building and the sites topographical screening form wider views in the area, I see no reasons to demur from this conclusion.
14. In support of this argument the appellant has directed me to a planning permission issued in an appeal decision in 2014³, for the erection of an agricultural workers dwelling, where the main issue was whether the dwelling was essential, with regard to scale, given the availability of other suitable accommodation. However, the issue in that appeal was not the need for residential accommodation for agricultural occupancy, which had been established by the appellant, agreed by the planning authority and accepted by the Inspector. In my determination of this appeal I have, therefore, given this little weight in my considerations and have determined the proposal on its own individual merits.

Conclusion

15. For the above reasons the appeal is dismissed.

Victor Callister

INSPECTOR

³ Appeal ref: App/B3410/A/13/2203166